

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FEDERAL INSURANCE COMPANY,

Plaintiff,

- against -

THE ESTATE OF IRVING GOULD, et al.,

Defendants.

No. 10 Civ. 1160 (RJS)

THE ESTATE OF IRVING GOULD, et al.,

Third-Party Plaintiffs,

- against -

CHARTIS INSURANCE COMPANY OF
CANADA (f/k/a American Home Assurance
Company (Canada Branch)) and TRAVELERS
CASUALTY AND SURETY COMPANY
(f/k/a The Aetna Casualty and Surety
Company)

Third-Party Defendants.

**DECLARATION OF RENE F. HERTZOG IN SUPPORT OF
DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT
ON THE INSURANCE COMPANIES' EXHAUSTION DEFENSES**

I, RENE F. HERTZOG, declare:

1. I am an attorney at law, admitted to practice before this Court. I am an attorney of the firm Anderson Kill & Olick, P.C., counsel for Defendants The Estate Of Irving Gould, Mehdi Ali, The Estate of Alexander M. Haig, Jr., The Estate Of Ralph Seligman, Burton Winberg and J. Edward Goff (collectively, "Defendants") in this action. I have personal

knowledge of all the facts contained in this declaration and if called as a witness, I would competently testify thereto.

2. I submit this declaration to set forth certain exhibits in support of Defendants' Motion for Partial Summary Judgment on the Insurance Companies' Exhaustion Defenses.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Complaint filed in this action by Federal Insurance Company, dated February 11, 2010.

4. Attached hereto as Exhibit 2 is a true and correct copy of the Third-Party Complaint filed in this action by Defendants, dated August 9, 2010.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York.

Dated: 12.15.10


Rene F. Hertzog